

HON. LAUREN KING

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Frank Piscioti,  
Plaintiff & Counterclaim Defendant,

v.

Roberta Brittingham,

Defendant & Counterclaim Plaintiff.

No. 3:20-cv-05924-LK

MOTION FOR CLARIFICATION ON  
SUMMARY JUDGMENT ORDER

NOTE FOR MOTION:

8/4/22

Plaintiff Frank Piscioti respectfully seeks clarification on this Court's Order on Summary Judgment (Dkt. No. 65, "Order"). Specifically, Piscioti respectfully asks this Court to clarify that its Order applies only to Defendant's actions of infringement that were the subject matter of this case; and that the order does not affect Plaintiff's remedies for any acts of infringement that occur after July 1, 2022. Piscioti is not seeking an

1 advisory ruling. Rather, he is seeking clarification that the ruling on the statute of  
2 limitations under 17 U.S.C. § 507(b) only applies to infringement actions occurring while  
3 there was a dispute as to ownership. *Seven Arts Filmed Ent. Ltd. v. Content Media Corp.*,  
4 PLC, 733 F.3d 1251, 1254-1258 (9th Cir. 2013) (holding that claims of ownership are  
5 “distinct from claims of infringement”). That dispute in ownership is now resolved, and  
6 Brittingham is not a co-owner or contributor to the Kaleidoscope Work. Piscioti seeks to  
7 clarify if the Order bars him from pursuing allegations of future acts of infringement by  
8 Brittingham.  
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12 Respectfully submitted,

13 TBILLICK LAW, PLLC

14 By: /s/ Tim Billick

15 Tim J. Billick, WSBA No. 46690

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**CERTIFICATION OF ATTEMPT OF MEET AND CONFER**

I, Timothy J. Billick on or about Tuesday July 5, 2022; I offered to discuss this Court's Order with Brittingham's counsel David Lowe. Despite exchanging correspondence over several weeks, we could not agree on the Order's impact on future allegations of infringement.

Respectfully submitted,

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